

AMENDMENT UNDER 37 C.F.R. § 1.111  
Application No. 10/617,868  
Atty Docket No.: Q71312

**REMARKS**

The Office Action of November 2, 2004 has been received and its contents carefully considered.

Claims 1 to 11 are all the claims pending in the application, prior to the present amendment.

Applicants note that the Examiner has indicated that claims 4 and 8 would be allowed if rewritten in independent form.

Claims 1 to 3, 5, 7 and 9 to 11 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 6,403,203 to Futamoto et al.

Of these claims, claims 1 and 10 are independent. Applicants have amended claim 1 to include the allowable subject matter of claim 4, and have amended claim 10 to also include the subject matter of claim 4. In addition, applicants have amended claim 10 to place it in better form, and have amended a number of the other claims to place them in better form. Applicants have canceled claims 4 and 9.

The magnetic recording medium according to claim 1 has the technical feature (1) that the intermediate film is made of CoCrPtB. In contrast, in Futamoto et al, as a second underlayer (corresponding to the intermediate film of the present invention), a CoCr film was deposited up to a thickness of 15 nm by use of a Co-35 at % Cr target. See the description at column 11 lines 38-39 and 46. This is a significant difference. The magnetic recording medium having the

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technical feature (1) of the present invention is neither disclosed in Futamoto et al nor obvious in view of Futamoto et al.

In view of the above, applicants submit that claims 1 to 3, 5, 7, 10 and 11 are patentable over Futamoto et al and, accordingly, request withdrawal of this rejection.

Claim 6 has been rejected under 35 U.S.C. § 103(a) as obvious over Futamoto et al.

Claim 6 depends from claim 1. Accordingly, applicants submit that claim 6 is patentable over Futamoto et al since claim 6 depends from allowable claim 1. Applicants therefore request withdrawal of this rejection.

Applicants have added new claims 12-25, with claims 15 and 24 being in independent form.

New claims 12 and 21 are based on the description in the second paragraph of page 11 of the specification.

New claims 13 and 22 are based on the description from the last line of page 19 to line 4 of page 20 of the specification.

New claims 14 and 23 are based on the description in lines 3-6 of page 21 of the specification.

New claim 15 is a combination of original claim 1 and original claim 8 which has been indicated to be allowable by the Examiner.

New claim 16 defines the same features as claim 2.

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New claim 17 defines the same features as claim 3.

New claim 18 defines the same features as claim 5.

New claim 19 defines the same features as claim 6.

New claim 20 defines the same features as claim 7.

New claim 24 is a combination of original claim 10 and original claim 8.

New claim 25 defines the same features as claim 11.

Since claims 12-14 are dependent on amended claim 1, applicants submit that they are patentable over Futamoto et al.

Since new claim 15 is a combination of original claim 1 and original claim 8 which has been indicated to be allowable, and new claim 24 is a combination of original claim 10 and original claim 8, applicants submit that new claims 15 and 24 are also patentable over Futamoto et al.

Further, the magnetic recording medium according to claim 15 has the technical feature (2) that the orientation control film has an amorphous structure. In contrast, in Futamoto et al, as a first underlayer (corresponding to the orientation control film of the present invention), a CrTi film was deposited up to a thickness of 30 nm by use of a Ti-10 at % Cr target under the conditions of a sputtering Ar gas pressure of 3 m Torr, sputter power of 10 W/cm<sup>2</sup>, and substrate temperature of 280°C. See the description at column 11, lines 37-38 and 43-46. It is well known to those having ordinary skill in the art that the CrTi film formed by these conditions does not

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have an amorphous structure, but has a crystal structure. This is a significant difference. The magnetic recording medium having the technical feature (2) of the present invention is neither disclosed in Futamoto et al nor obvious in view of Futamoto et al.

In addition, since claims 16-23 and 25 are dependent on claim 15, and claim 24 also has the above technical feature (2), applicants submit that claims 15-25 are patentable over Futamoto et al.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

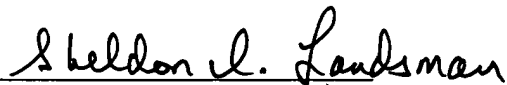
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